

ZONING BOARD OF APPEALS
Tuesday, November 17, 2009
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Alicia DiBenedetto Neubauer
Aaron Magdziarz
Dan Roszkowski
Julio Salgado
Scott Sanders
Craig Sockwell

Absent:

Staff: Jennifer Cacciapaglia – Attorney for Liquor Commission
Todd Cagnoni - Deputy Director, Construction Services
Sandra Hawthorne – Administrative Assistant
Jon Hollander – City Engineer, Public Works
Frank Schmitt – Chief, Fire Prevention

Others:

Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as follows:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns, answer questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, November 30, at 4:30 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact Sandra Hawthorne in the Zoning Office for future information and that her phone number was listed on the top of the agenda which was made available to all those in attendance at the beginning of the meeting. The City's web site address for minutes of this meeting were listed on the agenda as well.

Acting Chairman Dan Roszkowski called the meeting to order at 6:35 PM.

A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the October 20th meeting as submitted. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0, with Julio Salgado abstaining as he was absent from the October meeting.

047-09 1224 Camp Avenue

Applicant John Olson

Ward 3 **Variation** to increase the maximum square footage for an accessory building from 720 square feet to 728 square feet

Variation to increase the maximum allowable height for an accessory building from 18 feet to 25 feet in an R-1, Single-family Residential Zoning District

The subject property is located approximately 150 feet east of the Camp Avenue and Churchill Street intersection. John Olson, Applicant, reviewed his request for Variations. Mr. Olson stated he wished to construct a garage to match the existing pitch of his house which is 12/12. Mr. Sanders asked what the materials would be and Mr. Olson responded they would be an asphalt shake roof, with siding the same as the house.

Staff Recommendation was for Approval of both requests with 5 conditions. No Objectors or Interested Parties were present. One letter of support was received from John Hardenbrook, an adjacent property owner at 1225 Camp Avenue.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to increase the maximum square footage for an accessory building from 720 square feet to 728 square feet; and to **APPROVE** the Variation to increase the maximum allowable height for an accessory building from 18 feet to 25 feet in an R-1, Single-family Residential Zoning District at 1224 Camp Avenue. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0. Approval is subject to the following conditions:

1. Must meet applicable building and fire codes.
2. Submittal of Building permits for Staff review and approval.
3. Site and garage must develop in accordance with site plan building elevations on file.
4. Submittal of material (renderings) to be used for the garage for Staff's review and approval.
5. No living quarters allowed within the detached garage.

ZBA 047-09

Findings of Fact for a Variation

**To Increase the Maximum Square Footage for an Accessory Building
From 720 Square Feet to 728 Square Feet
In an R-1, Single-Family Residential District at
1224 Camp Avenue**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.

3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 047-09
Findings of Fact for a Variation
To Increase the Maximum Allowable Height
For an Accessory Building from 18 Feet to 25 Feet
In an R-1, Single-Family Residential District at
1224 Camp Avenue

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

048-09

Applicant
Ward 4

5622 & 5624 Spring Brook Road

Attorney Thomas Meyer for Ruth Kohlhorst, Trustee

Variation to reduce the side yard setback along the west and east sides to 6 feet with a combined total of 12 feet in an R-2, Two-family Residential District

The subject property is located north of Spring Brook Road and is currently vacant land. Attorney Tom Meyer reviewed the request for Variation. The Applicant and her daughter wish to build a duplex on this vacant land and because of the easements on the rear of the property the structure would need to be wider than the ordinance allows. The façade will be a brick exterior, similar to existing structures in the area. Mr. Sanders agreed that the proposed structure was consistent to other buildings in that area.

Staff Recommendation was for Approval with 2 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Variation to reduce the side yard setback along the west and east sides to 6 feet with a combined total of 12 feet in an R-2, Two-family Residential District at 5622 & 5624 Spring Brook Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0. Approval is subject to the following conditions:

1. Must meet all other required yard setbacks including not encroaching upon any recorded easement which would include decks.
2. Must meet all applicable building, fire and drainage codes.

ZBA 048-09

**Findings of Fact for a Variation
To Reduce Side Yard Setback Along the West and East Sides
To Six Feet with a Combined Total of Twelve Feet
In an R-1, Two-Family Residential District at
5622-5624 Spring Brook Road**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

049-09

Applicant
Ward 11

526 7th Street

Mary & Robert Swaab

Special Use Permit for a church and church related services in a C-4, Urban Mixed-Use District

The subject property is located east of 7th Street and 45 feet north of 5th Avenue and is currently a store front. Mary Swaab, Applicant, reviewed her request for Special Use Permit. The current tenants are using this space as a church on Wednesday evenings, which requires a Special Use Permit. She explained they currently have 15 members.

Staff Recommendation was for Approval with 2 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for a church and church related services in a C-4, Urban Mixed-Use District at 526 7th Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must obtain a change of use building permit.
2. The use of the church is limited to the first floor.

ZBA 049-09
Findings of Fact for a Special Use Permit
For a Church and Church Related Services
In a C-4, Urban Mixed-Use District at
526 7th Street

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-4 Zoning District in which it is located.

050-09 **1019 Broadway**
Applicant Frank Amato
Ward 11 **Special Use Permit** for a night club in a C-4, Urban Mixed-Use District

This Applicant also had a request for sale of liquor on the Liquor Advisory Board agenda. The Board and Attorney Cacciapaglia felt both items needed to be Laid Over in order for Staff to receive more detailed information.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the Special Use Permit for a night club in a C-4, Urban Mixed-Use District at 1019 Broadway. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

046-09 **716 North Church Street**
Applicant General Properties, Inc.
Ward 3 **Special Use Permit** for a Bed and Breakfast in a C-1, Limited Office Zoning District
Laid Over from October meeting

Prior to the meeting the Applicant requested this item be Laid Over to the December 15th meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the Special Use Permit for a Bed and Breakfast in a C-1, Limited Office Zoning District at 716 North Church Street. The Motion was **SECONDED** Craig Sockwell and **CARRIED** by a vote of 6-0.

OTHER BUSINESS

2010 Zoning Board of Appeals meeting schedule.

The 2010 Zoning Board of Appeals meeting schedule was presented for vote. The Board agreed to accept the scheduled dates as written.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the 2010 Zoning Board of Appeals meeting schedule as presented. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

ZONING BOARD OF APPEALS
2010 SCHEDULE of PUBLIC HEARINGS

FILING DEADLINE: (Thursday, 5:00 P.M.)	MEETING DATE: (Third Tuesday of the Month)
December 17, 2009	January 20, 2010-Wed
January 14, 2010	February 17, 2010-Wed
February 11, 2010	March 16, 2010
March 18, 2010	April 20, 2010
April 15, 2010	May 18, 2010
May 13, 2010	June 15, 2010
June 17, 2010	July 20, 2010
July 15, 2010	August 17, 2010
August 19, 2010	September 21, 2010
September 16, 2010	October 19, 2010
October 14, 2010	November 16, 2010
November 18, 2010	December 21, 2010
December 16, 2010	January 19, 2011-Wed

With no further business to come before the Board, the meeting was adjourned at 7:05 PM

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Zoning Board of Appeals